

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Boykin et al.

Group Art Unit: 1626

Serial No.: 10/591,096

Examiner: Stockton, Laura Lynne

Filed: May 11, 2007

Docket No.: 1523/2 PCT/US

Confirmation No.: 6353

For: DICATIONIC COMPOUNDS FOR ACTIVITY AGAINST TRICHOMONAS
VAGINALIS

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

Commissioner for Patents
Washington, D.C. 20231

Sir:

1. We, David W. Boykin, W. David Wilson, and Arvind Kumar are co-inventors of the subject matter disclosed and claimed in the subject above-captioned U.S. Patent Application Serial No.10/591,096, which was filed May 11, 2007.

2. We have had the opportunity to review the Official Action mailed on December 23, 2010 from the U.S. Patent and Trademark Office for the above-referenced U.S. patent application.

3. We have also reviewed the journal article by Mallena et al. (*J. Am. Chem. Soc.*, September 2004, 126(42), 13659-13669; hereinafter "Mallena"), cited by

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the United States Patent and Trademark Office in the Official Action mailed on December 23, 2010.

4. While Mallena lists four (4) co-authors in addition to ourselves, we respectfully believe that we, along with the other co-inventors of the subject application, Chad E. Stephens, W. Evan Secor, and Andrea L. Crowell, are the sole co-inventors of the subject matter described and claimed in the subject U.S. patent application.

5. The studies described in Mallena related to DB818 were derived from our work with the compound. The other four co-authors listed in Mallena were working under our direction, provided editorial assistance, and/or conducted the particular experiments described in Mallena.

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I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2/17/11

By: David W. Boykin
David W. Boykin

Date: _____

By: _____
W. David Wilson

Date: 2/17/11

By: Arvind Kumar
Arvind Kumar